

In re Patent Application of
Pierson et al
Serial No. 09/596,374
Filed June 19, 2000

REMARKS

Applicant herein responds to the outstanding Office action.

The Abstract has been amended to meet the Examiner's concerns regarding its length. Additionally, Applicant encloses a terminal disclaimer to avoid the provisional rejection based on obviousness-type double patenting.

The Claims Are Novel Over The Cited Reference

Applicant believes that the cited reference by Sanford (US 6,536,039) teaches and is limited to updating CD files by storing in the computer's hard drive entire software modules. The claimed invention increases efficiency of updating by communicating and storing only the differences between new updates and the original content data on the CD-card. The independent claims having been clarified in that regard, Applicant believes the claims patentably define over the Sanford reference, and respectfully requests that the rejection of the claims as lacking novelty be withdrawn.

The Claims Are Nonobvious Over The Cited References

For the reason noted above, it is clear that the Van Ryzin et al. reference (US 6,446,080) does not operate in the way the present invention has been described. Van Ryzin et al. modify the playlist by editing (see column 5, line 59), that is by deleting, rearranging, or adding tracks to the playlist. The present invention calls in new updates from a server and does not edit the original content, but stores the differences between the new update and the original content. Accordingly, Van Ryzin et al. teach away from the present invention and if combined with the SoftCD reference, the combination would not result in the present invention. For that reason, Applicant respectfully suggests that the

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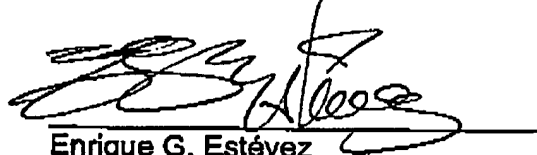
Office action does not establish a *prima facie* case of obviousness against the claims, and requests that the obviousness rejection be withdrawn.

Conclusion

In view of the amendments and the remarks presented herein, it is submitted that these claims are patentable. In addition, their respective dependent claims, which recite yet further distinguishing features, are also patentable and require no further discussion.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,



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